

IV. REMARKS

Status of the Claims

Claims 7 and 8 remain under consideration.

Summary of the Office Action

Claims 7 and 18 stand rejected under 35USC102(e) on the basis of the cited reference Walsh, U.S. Patent No. 6,233,601. Claims 7 and 18 stand rejected under 35USC112, first paragraph. The Examiner is respectfully requested to reconsider his rejection in view of the following remarks.

Claims 7 and 18 are clearly supported by the specification on page 9, lines 1-12 and on page 34, line 21 through page 35, line 35. All of the language to which the Examiner refers is contained in the referenced lines of the specification. Accordingly the Examiner is requested to withdraw the rejection based on 35USC112.

Discussion of the Cited References

The Examiner relies solely on the reference Walsh, U.S. Patent No. 6,233,601 to support the rejection based on anticipation. The reference Walsh describes a system in which mobile agents are transferred from node to node in a computer network. There is no mention of handling messages. The system is described in the abstract as follows:

"In accordance with the present invention, a mobile agent object executes a first method on a first computer, migrates from the first computer to a second computer, and executes a second method on the second computer. The first and second methods and first and second computers are designated in an itinerary. The agent includes both data and executable code which are serialized for transmission from the first computer to the second computer as data."

The mobile agent of Walsh migrates according to an itinerary for execution at a particular destination. Upon such a transfer, the agent manager of sending node deletes the mobile agent (see column 4, lines 54-58). This indicates that there will not be any following communication of messages between nodes. There is no indication, therefore, that the mobile agent of Walsh supports message communication between multiple nodes on a network in a distributed computer environment.

Further, there are no messages, no plurality of conversation threads, no conversation thread control part nor a conversation part object. There is no description of any means for resuming a plurality of conversation threads at a message processor on another node. The cited reference, therefore does not support the rejection based on anticipation.

The Issue of Anticipation

It is well settled that a claim is anticipated, "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (See CHISOLM, Federal Circuit Guide, Pg. 1221).

"...it must be shown that the reference contains all of the elements of the claims apart from irrelevant or merely extraneous variations, and the elements are arranged in the same way to achieve the same result which is asserted to be an inventive function..." 454 U.S. 1129 (1981)

The elements of the claim and their function and purpose within the claim must be reviewed in a manner similar to an infringement analysis. If the device described in the cited

reference would not infringe if it was later, it will not anticipate if the reference is earlier.

Applying this standard to the device of the reference Walsh it becomes clear that the system of Walsh is missing significant elements of independent claims 7 and 18. There is no provision in the system of Walsh for processing messages. Claim 1 states:

"providing, in the message processor, a plurality of conversation threads and a conversation part object including a conversation thread control part that is capable of controlling the plurality of conversation threads;

halting the plurality of conversation threads;

sending the conversation part object through a network from the message processor to another place in another message processor; and

resuming the plurality of conversation threads at the another message processor."

Claim 18 requires:

a program code which instructs said message processor to halt a plurality of conversation threads;

a program code which instructs said message processor to send a conversation part object which includes said plurality of conversation threads to another place through said network; and


a program code which instructs said message processor to resume said plurality of conversation threads.

Since these claim limitations form no part of the system of Walsh, there would be no infringement if Walsh was later, therefore, the cited reference Walsh does not support the rejection by the Examiner based on anticipation.

In view of the remarks stated above, Applicant submits that all of the claims under consideration contain patentable subject matter and favorable action by the Examiner is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 50-0510.

Respectfully submitted,



Geza C. Ziegler, Jr.
Reg. No. 44,004

17 MAY 2004

Date


Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

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